

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR118
)	
v.)	
)	
BRIAN FREEMONT,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on the report and recommendation of the magistrate judge (Filing No. 31), the objection of defendant to the report and recommendation (Filing No. 32), and the objection of plaintiff to the report and recommendation (Filing No. 34). The Court has conducted a de novo review of the transcript of the proceedings held before the magistrate judge, the briefs of the parties, and the applicable law.

Upon such review, the Court is satisfied that the magistrate judge reached the correct decision. The evidence in this case does not support a finding that defendant had a reasonable expectation of privacy in the motel room. The evidence establishes that he lacked such an expectation and, therefore, the decision of the magistrate judge is correct and should be approved and adopted by this Court.

The Court is also satisfied that the magistrate judge's alternative decision with respect to the scope of the search, in

the event a finding were made that defendant had an expectation of privacy, is also correct. For these reasons, the Court will approve and adopt the report and recommendation of the magistrate judge. Accordingly,

IT IS ORDERED:

- 1) The report and recommendation of the magistrate judge (Filing No. 31) is approved and adopted;
- 2) The defendant's objections to said report (Filing No. 32) are denied;
- 3) The plaintiff's objection to said report (Filing No. 34) are denied;
- 4) Defendant's motion to suppress (Filing No. 11) is denied.
- 5) Trial of this matter is scheduled for:

Monday, October 23, 2006, at 9 a.m.

in Courtroom No. 5, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The trial is scheduled at the earliest possible date on the Court's trial schedule and should give the parties time for trial preparation. Therefore, the ends of justice will be served by continuing this case and outweigh the interests of the public and the defendant in a speedy trial. The additional time between September 15, 2006, and October 23, 2006, shall be deemed excludable time in any computation of time

under the requirement of the Speedy Trial Act. 18 U.S.C.
§ 3161(h)(8)(A) & (B).

DATED this 15th day of September, 2006.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court